

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Improving Public Safety)	
Communications in the)	
800 MHz Band)	WT Docket No. 02-55
)	
Consolidating the 900 MHz)	
Industrial/Land)	
Transportation and Business)	
Pool Channels)	
)	
)	

To: The Commission

Comments of United States Cellular Corporation

United States Cellular Corporation on behalf of itself and its subsidiaries (collectively "U.S. Cellular"), by its attorneys, submits its comments in response to the Commission's Notice of Proposed Rule Making ("Notice") released March 15, 2002 seeking comments on, among other topics, a proposal submitted by Nextel¹ to remedy interference to 800 MHz public safety systems by realigning the 800 MHz land mobile radio band in the above-captioned matter.

U.S. Cellular operates cellular and PCS systems serving approximately 17% of the land area and approximately 9% of the population of the United States (with

¹ "Promoting Public Safety Communications: Realigning the 800 MHz Land Mobile Radio Band to Rectify Commercial Mobile Radio – Public Safety Interference and Allocate Additional

approximately to 3.5 million customers). It owns a controlling interest in each of the 142 cellular markets and a number of PCS markets. Its cellular operations encompass more than 2,900 cell sites deployed in eight market clusters, each of which covers a total population of more than one million and four of which cover a total population of more than two million each.

Since 1985, when it began providing cellular service in Knoxville, Tennessee and Tulsa, Oklahoma, U.S. Cellular has grown to become the eighth largest wireless provider in the United States. It believes that its commercial success has been enhanced by having operational decisions made close to the customer. It manages each market cluster with a local staff, including engineering, installation and sales personnel which, as explained below, contributes to effective working relationships and communications with public safety users in these markets.

U.S. Cellular is very much aware of its responsibility to avoid causing interference to 800 MHz Public Safety communications, is committed to give any such possible interference case the highest possible priority and as a locally based operator it is able to give any such case prompt attention.

In the following sections of these comments, we discuss three aspects of the Commission's Notice (1) the benefits of continued reliance on the voluntary efforts of cellular operators to deal with public safety interference issues, (2) the basis on which the Commission should deny Nextel's spectrum swap proposals and (3) the

Spectrum to Meet Critical Public Safety Needs," Nextel Communications, Inc., November 21, 2001 ("Nextel White Paper").

assignment of the entire cost of relocation to Nextel and other SMR licensees who are benefitted by such relocation.

I. The Commission Should Support Continued Reliance on the Voluntary Efforts of the Cellular Industry to Avoid Interference to Public Safety Users.

U.S. Cellular strongly supports the efforts of the Commission in this proceeding to facilitate cooperation between public safety and commercial wireless operators to prevent harmful interference. U.S. Cellular believes on the basis of its own experience and general knowledge about the experience of other cellular operators in resolving interference cases that the voluntary efforts of cellular operators have been effective to identify and to resolve concerns about interference to 800 MHz public safety users occurring in the portions of the 800 MHz band adjacent to Cellular Radiotelephone spectrum.² Based on a recent review by the company's engineering personnel, U.S. Cellular is not aware of any interference to 800 MHz public safety operations caused by any of its cellular facilities.³ The Commission should continue to rely on these voluntary efforts of the cellular industry rather than impose additional technical restrictions on the design, construction and operation of Cellular Radiotelephone systems.

² See Section 22.905 of the Commission's rules.

³ The company's inquiry turned up two instances where public safety licensees claimed that they were receiving interference from U.S. Cellular facilities. In both cases the company's engineers conducted a review of the interference claims and determined that the problems were caused by malfunctions in the equipment of these public safety licensees. In one of the two instances, the public safety facility had a loose coaxial connector. In the other instance, the public safety facility had a bad antenna. In both cases, U.S. Cellular personnel provided technical support to remedy both problems at no cost to these public safety users.

II. Nextel's Proposal to Swap its 700/800/900 Channels for 2 GHz Spectrum Should be Denied.

U.S. Cellular strongly opposes the Nextel proposal to swap its 700, 800 and 900 MHz channels for a 10 MHz block previously designated as reserve MSS spectrum to be redesignated for terrestrial CMRS services and licensed on a nationwide basis.⁴

The proposal by Nextel to swap 10 MHz of 700, 800 and 900 spectrum for a 10 MHz contiguous block of spectrum in the 2 GHz band would result in a unjustified windfall to Nextel. This nationwide spectrum would be more valuable than the scattered spectrum holdings which Nextel currently holds because the licensee avoids gaps in geography, guard bands or other licensees holding small adjacent spectrum causing or receiving interference. The holder of a license to a nationwide block of spectrum can deploy a network which is simpler to plan, less expensive to build and more efficient to operate than is otherwise possible with scattered SMR spectrum holdings. Nextel has presented no compelling justification for such a gratuitous enhancement of its competitive position by gaining nationwide access to a 10 MHz block of paired spectrum in the swap.

This is not a case where the Commission is being requested to modify licenses previously granted to Nextel to substitute only enough spectrum in the 2 GHz band to permit Nextel to replicate operations in 700, 800 and 900 MHz band to achieve the same capacity, coverage and reliability. The swap would result in Nextel obtaining a nationwide license for a block of paired spectrum in exchange for some

⁴ Nextel White Paper at p. 8, 29.

of its current holdings of scattered blocks of SMR spectrum in a patchwork of markets and locations. In terms of capacity, coverage and reliability, there is no question but that the Nextel's spectrum holdings would be greatly enhanced in this swap. Award of a nationwide license in these circumstances is the equivalent of a grant of an initial license, which under Section 309(j) of the Act is required to be subject to auction procedures.

In the event the Commission is prepared to reallocate the spectrum identified by Nextel it should license that spectrum subject to competitive bidding selection procedures and open eligibility. In the absence of any statutory requirement to do otherwise, the restrictions in Section 309(j) of the Communications Act⁵ require the FCC to grant initial licenses through competitive bidding. To hold otherwise and authorize so-called swaps of spectrum which enhance the holdings of Nextel in terms of value, capacity, coverage and reliability would violate the purposes of Section 309(j).

By using competitive bidding selection, the Commission will help assure administrative fairness with respect to competitive access to valuable spectrum rights, hold open opportunities for expanded rural service by adopting local or regional service area sizes and award licenses based upon an understandable and credible basis for licensee selection. Nextel's swap proposal should not be permitted to circumvent Congressionally mandated reliance on the competitive bidding selection process.

⁵ 47 U.S.C. Section 309(j).

III. Licensees That Do Not Cause Interference Problems Should Not Have to Pay for the Relocation Costs.

The cost of relocation should be borne by either those who initially caused the interference problem and/or by those who stand to gain from the relocation in the event the Commission elects to relocate public safety licensees from their current 800 MHz channels.

U.S. Cellular strongly disagrees with Nextel's position that all licensees – SMR, Business, Industrial/Land, 800 MHz cellular and public safety - should bear the cost of displacing the incumbent licensees.⁶ Nextel argues that cellular carriers should pay for the relocation because they would be relieved of burdens of "detailed, ongoing coordination requirements, operational limitations and channel use restrictions necessary to safeguard public safety communications from interference."⁷

Cellular operators like U. S. Cellular have not caused the interference problems for public safety users in adjacent portions of the 800 MHz band. On the contrary, based on the company's internal engineering review, its personnel have responded responsibly, promptly and effectively on a voluntary basis at no cost to public safety users when they have made inquiries. The good engineering practices of operators like U.S. Cellular include detailed attention to system design, selection of quality components from reliable suppliers, use of highly qualified installation personnel and adherence to programs of regular maintenance. These practices help

⁶ Nextel White Paper at p. 39 and 41.

⁷ Nextel White Paper at p. 39-40.

both to ensure high quality reliable service to their subscribers and to avoid harmful interference to 800 MHz public safety users.

Contrary to Nextel's assertions, cellular carriers like U.S. Cellular are not “burdened” with coordination requirements, operational limitations and channel use restrictions to avoid harmful interference to public safety users and will not gain from the relocation of public safety users proposed by Nextel. Only those licensees like Nextel and possibly others who plainly will benefit should be required to pay for relocation costs.

Conclusion

For the reasons set forth above, U.S. Cellular requests that the Commission continue its reliance on the voluntary efforts of cellular operators like U.S. Cellular to avoid harmful interference to 800 MHz public safety users. In the event the Commission is prepared to reallocate 2 GHz spectrum for terrestrial uses, the spectrum should be auctioned and the spectrum swap proposal of Nextel should be denied. In the event relocation costs are to be assessed, only those

licensees like Nextel and possibly others who will benefit should be required to pay.

Respectfully submitted,

UNITED STATES CELLULAR
CORPORATION

By /s/ George Y. Wheeler
George Y. Wheeler
Rebecca Duke

Holland & Knight LLP
2099 Pennsylvania Ave., N.W.
Suite 100
Washington, DC 20006
(202) 955-3000
Its Attorneys

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